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*Attorneys for Desert Palace, Inc. d/b/a Caesars Palace*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

BISTRO CENTRAL, LV, LLC,

Debtor.

Case No. BK-S-14-14931-ABL  
 Chapter 11

**AFFIDAVIT OF VICTORIA L. NELSON  
 IN SUPPORT OF EX PARTE  
 APPLICATION FOR ORDER  
 SHORTENING TIME ON MOTION FOR  
 LEAVE TO EXERCISE RECOUPMENT  
 RIGHTS AGAINST BISTRO CENTRAL,  
 LV, LLC**

Date of Hearing: *OST Pending*  
 Time of Hearing: *OST Pending*  
 Place: Courtroom No. 1, Third Floor  
 Foley Federal Building  
 300 Las Vegas Blvd., S.  
 Las Vegas, NV 89101

Judge: Honorable August B. Landis

STATE OF NEVADA            )  
   )  
 COUNTY OF CLARK         )       ss:

I, Victoria L. Nelson, Esq., under oath and under penalty of perjury say:

1. I am an attorney duly licensed to practice law in the State of Nevada.

2. I am a shareholder with the law firm of Nelson & Houmand, P.C. (the "Firm"), attorneys of record for Desert Palace, Inc. d/b/a Caesars Palace, a creditor in the above-captioned bankruptcy case (referred to herein as "Creditor" or "Landlord").

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- 1 3. I have personal knowledge of the facts set forth herein.
- 2 4. I make this Affidavit in Support of the Ex Parte Application (the “Application”)
- 3 for Order Shortening Time to Hear the Motion for Leave to Exercise Recoupment Rights Against
- 4 Bistro Central, LV, LLC (the “Motion”).<sup>1</sup>
- 5 5. On July 17, 2014, the Debtor filed a voluntary petition under Chapter 11 of the
- 6 United States Bankruptcy Code [Docket No. 1].
- 7 6. Landlord now seeks an order confirming that it has the right to exercise any and all
- 8 recoupment rights under the Lease Agreement including, but limited to, the deduction of the
- 9 minimum rent, percentage rent, and any additional rent arising under the Lease Agreement.
- 10 7. On July 17, 2014, the Debtor filed various first day motions including, a Motion to
- 11 Extend the Automatic Stay Pursuant to Sections 105(a) and 362(a) to Co-Debtor (the “Motion to
- 12 Stay”) [Docket No. 10]. The first day motions and the Motion to Stay were sought on an order
- 13 shortening time.
- 14 8. On July 18, 2014, the Court entered an Order Granting the Motion for Order
- 15 Shortening Time on the Motion to Extend the Automatic Stay Pursuant to Sections 105(a) and
- 16 362(a) to Co-Debtor (the “Motion to Stay OST”) [Docket No. 30]. The Motion to Stay OST set
- 17 the hearing on the Motion to Stay for July 25, 2014, at 1:30 p.m.
- 18 9. Landlord seeks to have the Motion heard on the same date and time as the Motion
- 19 to Stay because both motions seek relief that are inter-connected. In the event that the automatic
- 20 stay is not extended to Landlord, the Landlord seeks the authority to recoup any amounts paid
- 21 under the Shawmut Agreement from the Room Charges.

22 ...  
23 ...  
24 ...

25  
26 <sup>1</sup> Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11  
27 U.S.C. §§ 101-1532. The Federal Rules of Civil Procedure shall be referred to as “FRCP” and the  
28 Federal Rules of Bankruptcy Procedure shall be referred to as “FRBP.” The Local Rules of  
Practice for the United States Bankruptcy Court for the District of Nevada shall be referred to as  
the “Local Rules.” In addition, all defined terms in this Affidavit shall have the same meaning  
ascribed to them in the Motion.

1           10. For these reasons, the Court should issue an order shortening time and permit the  
2 Motion to be heard on shortened time pursuant to FRBP 9006.

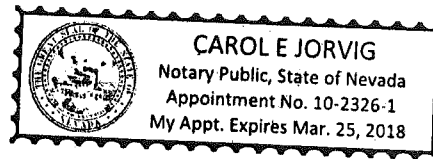
3           I declare under penalty of perjury under the laws of the United States that the foregoing is  
4 true and correct.

5           FURTHER AFFIANT SAYETH NAUGHT.

6  
7   
Victoria L. Nelson, Esq.

8  
9 SUBSCRIBED AND SWORN TO  
10 before me this 21st day of July, 2014.

11   
12 Notary Public



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